



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,457	06/14/2006	Marc Andre Peters	NL031487	6887
24737 7590 05/28/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER CHEN, YI				
ART UNIT 2142		PAPER NUMBER		
MAIL DATE 05/28/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/596,457

Applicant(s)

PETERS ET AL.

Examiner

YI CHEN

Art Unit

2142

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-13 and 15-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-13, 15-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's arguments filed 2/28/2008 have been fully considered but they are not persuasive.
2. Applicant begins by arguing, regarding claims 1, 8, 15, 19 and 21, that Logan does not teach "the method of enabling to identify a group of peers on a P2P network. Further, the method comprises enabling to use an identifier associated with a content broadcast for identifying the group."

The examiner respectfully disagrees with applicant's arguments, because Logan discloses permitting users to share descriptive metadata, (an identifier associated with a content broadcast, page 12, [0143]), about the broadcast programming with one another on a community basis, (page 8, [0092]). The descriptive metadata can identify the broadcasters, (source, page 8, [0097]-[0102], author, page 31, [0407]), on P2P network, (page 9, [0110]). Applicant's argument thus is not persuasive.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 19-20 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. In claims 19 and 20, a "control software program" is being recited; it would have been obvious to one of ordinary skill in the art to interpret the "control software program" as software, per se.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6, 8-13, and 15-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Logan et al., (US 2003/0093790 A1), hereinafter Logan.

7. Regarding claim 1, Logan discloses that a method of enabling to identify a group of peers on P2P network, the method comprising enabling to use an identifier associated with a content broadcast, (metadata about broadcast programming, 0092), for identifying the group. (page 8, 0092, 0096-0102, page 31, 0407)

Art Unit: 2142

8. Regarding claim 8, Logan discloses that a method of identifying a group of peers on a P2P network, the method comprising using an identifier associated with a content broadcast, (metadata about broadcast programming, 0092), for identifying the group. (page 8, 0092, 0096-0102, page 31, 0407).

9. Regarding claim 15, Logan discloses that an apparatus configured for use on a P2P network and operative to process an identifier associated with content broadcast, (metadata about broadcast programming, 0092), to enable to identify a group of peers on a P2P network, (page 8, 0092, 0096-0102, page 31, 0407).

10. Regarding claim 19, Logan discloses control software for configuring a data network apparatus to process an identifier associated with content broadcast, (metadata about broadcast programming, 0092), for identifying a group of peers on the data network, (page 8, 0092, 0096-0102, page 31, 0407).

11. Regarding claim 21, Logan discloses a broadcast program comprising an identifier, (metadata about broadcast programming, 0092), for enabling to identify a group of peers on a P2P network, (page 8, 0092, 0096-0102, page 31, 0407).

12. Regarding claims 2, 9 and 16, Logan discloses providing the identifier via the broadcast. (Metadata about broadcast programming, 0092)

Art Unit: 2142

13. Regarding claims 3, 10, and 17 Logan discloses operative to receive the identifier via an EPG listing the broadcast. (0128, line 1-4)

14. Regarding claims 4 and 11, Logan discloses enabling to obtain the identifier from a further identifier representative of the content broadcast. (0094, 0095)

15. Regarding claims 5 and 12, Logan discloses providing the further identifier via the broadcast. (0094)

16. Regarding claims 6 and 13, Logan disclose providing the further identifier via an EPG. (0095)

17. Regarding claims 18 and 20, Logan discloses operative to process a further identifier representative of the broadcast, (0094), so as to enable to obtain the identifier of the group of peers. (0093-0094)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YI CHEN whose telephone number is (571)270-3805. The examiner can normally be reached on 8:30AM - 6:00PM.

Art Unit: 2142

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yi Chen
5/20/2008

/Andrew Caldwell/
Supervisory Patent Examiner, Art Unit 2142